

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE, TENNESSEE

SONY/ATV MUSIC PUBLISHING LLC, a  
Delaware Limited Liability Company,  
SONY/ATV TUNES LLC, a Delaware Limited  
Liability Company d/b/a “SONY/ATV  
HARMONY”, SONY/ATV SONGS LLC, a  
Delaware Limited Liability Company d/b/a  
“SONY/ATV MELODY,” SONY/ATV  
SOUNDS LLC, a Delaware Limited Liability  
Company d/b/a “SONY/ATV RHYTHM,”  
SONY/ATV DISCOS MUSIC PUBLISHING  
LLC, a Delaware Limited Liability Company and  
SONY/ATV LATIN MUSIC PUBLISHING  
LLC, a Delaware Limited Liability Company,  
EMI BLACKWOOD MUSIC INC., a  
Connecticut Corporation; EMI APRIL MUSIC  
INC., a Connecticut Corporation; COLGEMS-  
EMI MUSIC INC., a Delaware Corporation; EMI  
GOLD HORIZON MUSIC CORP., a New York  
Corporation; EMI U CATALOG INC., a New  
York Corporation; EMI UNART CATALOG  
INC., a New York Corporation; JOBETE MUSIC  
CO. INC., a Michigan Corporation; and STONE  
DIAMOND MUSIC CORPORATION, a  
Michigan Corporation,

Plaintiffs,

vs.

172902 ONTARIO, INC., a Canadian corporation,  
d/b/a “TRICERASOFT.COM,” d/b/a  
“SELECTKARAOKE.COM,” d/b/a  
“KARAOKEDOWNLOADS.CA” and GAI  
MARCOS, individually,

Defendants.

Case No.

Judge

Magistrate Judge

**JURY DEMAND**

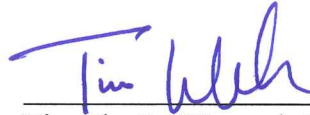
**APPLICATION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Local Rule 65.01, and 17 U.S.C § 502, Plaintiffs make application to the Court for a temporary restraining order and preliminary injunction enjoining and restraining Defendants, 172902 ONTARIO, INC., a Canadian corporation, d/b/a “TRICERASOFT.COM,” d/b/a “SELECTKARAOKE.COM,” d/b/a “KARAOKEDOWNLOADS.CA,” and GAI MARCOS, individually, (collectively, “Defendants” or the “TRICERASOFT Defendants”), from manufacturing, distributing, or otherwise exploiting musical compositions owned and/or administrated by Plaintiffs. As the Verified Complaint and exhibits filed with this application demonstrate, Plaintiffs own and/or administer the copyrights in numerous musical compositions. Plaintiffs have never authorized Defendants to manufacture, distribute, or sell karaoke produced based on their copyrighted musical compositions. Nevertheless, Defendants have manufactured, distributed, and/or sold unlicensed karaoke products based on Plaintiffs’ musical compositions.

Pursuant to Fed. R. Civ. P. 65(b)(1) and LR 65.01(c), Plaintiffs certify that, upon filing, they will attempt to contact all Defendants concerning the substance of this application by email (and service pursuant to the Hague Convention) of this motion, its supporting memorandum, and the pleading. Because the specific facts in the Verified Complaint clearly show that immediate and irreparable injury, loss, or damage will result to Plaintiffs before Defendants can be heard in opposition, a temporary restraining order may issue without written or oral notice to the Defendants. Fed. R. Civ. P. 65(b)(1).

For the reasons set forth in the accompanying Memorandum and Verified Complaint, Plaintiffs request the Court enter a temporary restraining order against Defendants and set the preliminary injunction hearing for the earliest time possible.

Respectfully Submitted,



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and

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**Attorney for Plaintiffs,**  
**SONY/ATV MUSIC PUBLISHING LLC, et al.**

### **CERTIFICATE OF SERVICE**

I certify that true and correct copy of the foregoing has been served upon Defendant 172902 Ontario, Inc., 194 Sugarhill Dr., Brampton, L7A 3X4 Ontario, Canada and Defendant Gai Marcos, 6 Ruth Avenue, Brampton, L6Z 3X4 Ontario, Canada, in conformity with Article 5 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at the Hague, the 15th of November 1965, having been transferred to the receiving authority, Ministry of the Attorney General, Ontario Court of Justice, 393 Main Street, Haileybury, Ontario P0J 1K0, Canada, this 1st day of October, 2014.

